



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,409	01/30/2004	Cynthia Kae Florkey	LUC-466/Florkey 16-10-24	6926
32205	7590	06/29/2009	EXAMINER	
Carmen Patti Group, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			NGUYEN, KHAI N	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			06/29/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Continuation of 11.

Applicants' requests for reconsideration filed May 26, 2009 have been fully considered but they are not persuasive.

Regarding the Art Rejection for claims 1, 18, and 25-26, Applicants argue that the reference Madour et al. (U.S. Patent Number 6,266,405 hereinafter "Madour") does not use the Session Initiation Protocol (SIP) for providing the portability of directory numbers (See Applicants' Remarks page 13 lines 29-30).

The Examiner respectfully disagrees with the Applicant's argument because Madour clearly discloses the use of the SIP for providing the portability of directory numbers. Madour's invention "relates generally to number portability in telecommunications systems" (See Madour - column 1, lines 4-16), and the advantage of directory number portability in that it permits relocated mobile subscribers, who changed service providers to receive calls that otherwise would be lost (See Madour - column 1, lines 32-36), in addition, extending the portability of directory number to Internet service providers to permit number portability between data communications providers (See Madour - column 3, lines 52-57). Madour further discloses in Figure 6 the flow of the messages exchange between system components such as Number Portability Database (NPDB) using SIP protocol (See Madour - Fig. 6, 30 NPDB, 117 MSC/END USER TERMINAL/NETWORK NODE, 121 SIP NETWORK - INVITE/OK, column 6, lines 45-48).

Applicants also argue that Madour does not teach a “provisioning component” as recited in applicants' claim 1 (See Applicants' Remarks page 14 lines 1-2). Again, the Examiner respectfully disagrees with the Applicant argument because Madour clearly discloses a provisioning component that “automatically updates one or more provisioning components to port a directory number” as recited in claim 1, and that is updated respective databases so that the subscriber of the mobile station is able to retain the same directory number upon changing service providers (See Madour – Fig. 2, 40C MSC, 30A, 30B, 30F Databases, column 2, line 56 through column 3, line 5).

Therefore, Madour anticipated the claims 1, 18, and 25-26, and the rejection is proper and maintainable.

Regarding the Art Rejection for claims 2-17, 19-20, and 22-24, for the same reasons set forth above, claims 2-17, 19-20, and 22-24 are rejected as being unpatentable over Madour in view of Mazzearella et al. (U.S. Patent Number 6,819,921), and in view of Moss et al. (U.S. Patent Number 6,785,372), and the rejection is proper and maintainable.

Regarding the Art Rejection for claim 21, for the same reasons set forth above, claim 21 is rejected as being unpatentable over Madour in view of Petrunka (U.S. Patent Number 6,584,193), and the rejection is proper and maintainable.

In addition, The Examiner would like to emphasize for the record that the claims' language is broad, and the Applicants have not argued any narrower interpretation of the claim limitations nor amended the claims significantly enough to construe a narrower meaning to the limitations.

Since the claims breadth allows multiple interpretations and meanings, which are broader than Applicants' disclosure, the Examiner is required to interpret the claim limitations in terms of their broadest reasonable interpretations while determining patentability of the disclosed invention. See MPEP 2111. In other words, the claims must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999), and *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004). Any term that is not clearly defined in the specification must be given its plain meaning as understood by one of ordinary skill in the art. See MPEP 2111.01. See also *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), *Sunrace Roots Enter Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003), *Brookhill- Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir.2003).

The interpretation of the claims by their broadest reasonable interpretation reduces the possibility that, once the claims are issued, the claims are interpreted more

Art Unit: 2614

broadly than justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969).

Also, limitations appearing in the specification but not recited in the claim are not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Therefore, the failure to significantly narrow definition or scope of the claims and supply arguments commensurate in scope with the claims implies the Applicants intends broad interpretation be given to the claims.

Again, the Examiner has interpreted the claims broadly.

Khai N. Nguyen  
(571) 270-3141

/Ahmad F Matar/  
Supervisory Patent Examiner, Art Unit 2614